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8 **Attorneys for Plaintiff**
9 **RADIX TEXTILE, INC.**

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 RADIX TEXTILE, INC., a California
13 corporation,

14 Plaintiff

15 v.

16 TARGET CORPORATION, a Minnesota
17 corporation; and DOES 1-10, inclusive,

18 Defendants.

CASE NO.

COMPLAINT FOR:

- (1) **COPYRIGHT**
INFRINGEMENT
(2) **CONTRIBUTORY**
COPYRIGHT
INFRINGEMENT

JURY TRIAL DEMANDED

19 For its Complaint, plaintiff RADIX TEXTILE, INC., a California
20 corporation ("Plaintiff" or "RADIX"), alleges as follows:

21 **THE PARTIES**

22 1. RADIX TEXTILE, INC. ("Plaintiff") is and at all times herein
23 mentioned was, a California corporation in the business of designing, printing and
24 wholesale of fabric, with its principal place of business in County of Los Angeles,
25 State of California.

3. The true names and capacities of defendants DOES 1-10, inclusive, are unknown to Plaintiff, who therefore sues them by such fictitious names. Plaintiff will seek leave to amend this complaint to allege their true names and capacities when they have been ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named defendants is responsible in some manner for the occurrences herein alleged and that Plaintiff's damages herein alleged were proximately caused by those defendants.

4. At all times herein mentioned, defendants DOES 1-10, inclusive were the agents, servants, suppliers or customers of their co-defendants, and in doing the things hereinafter alleged were acting within the course and scope of their authority as those agents, servants, employees, suppliers or customers, and with the permission and consent of their co-defendants.

17 5. Plaintiff is further informed and believes and thereon alleges that
18 defendants DOES 1 through 10, inclusive, created, assembled, distributed,
19 manufactured and/or sold and/or bought fabric and/or garments comprised of
20 fabric printed with Plaintiff's copyrighted Subject Design (as hereinafter defined),
21 or that have otherwise contributed to the infringement of Plaintiff's copyright
22 Subject Design.

23 6. Target and DOES 1 through 10, inclusive, shall be referred to
24 as “Defendants.”

JURISDICTION AND VENUE

7. This action arises under the Copyright Act of 1976, Title 17 U.S.C. § 101 *et seq.*, seeking damages, attorneys' fees.

8. This court has federal question jurisdiction under 28 U.S.C. §§ 1331, 1338(a) and (b).

9. The Court has personal jurisdiction over all defendants because, upon information and belief, they have intentionally manufactured, advertised, sold and caused to be sold their infringing products in the State of California, in this judicial district.

10. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and 1400 (a) in that a substantial part of the acts or omissions giving rise to the claims herein occurred within this judicial district.

FACTS COMMON TO ALL CAUSES OF ACTION

11. Plaintiff is in the business of creating and developing original artwork of fabrics for use in garments, a time and labor intensive task.

12. This time and labor intensive process is the lifeblood of Plaintiff's business.

13. Plaintiff is the copyright holder and owns all right, title, and interest in and to each of the designs identified below ("Subject Design"):

a. Design RX-LP358, Registration Number: VAu 1-051-884.

True and correct copy of said copyright registration, as well as the Subject Design, is attached hereto as Exhibit A.

14. At all relevant times, Plaintiff has duly complied with all of the provisions of the Copyright laws of the United States in connection with the Subject Design.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT
(Against All Defendants)

15. Plaintiff refers to and incorporates by reference paragraphs 1 to 14 inclusive, of this Complaint as though fully set forth herein.

16. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to the Subject Design.

17. Defendants, and each of them, infringed Plaintiff's copyrights by copying the Subject Design and by producing, distributing, and selling fabric and/or garments incorporating the Subject Design without Plaintiff's consent or permission. A true and correct copy of the garments infringing the Subject Designs is attached hereto as Exhibit B.

18. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, if not directly liable for infringement of Plaintiff's copyright in the Subject design, are vicariously liable for said infringements because they had the right and ability to supervise the infringing conduct and because they had a direct financial interest in the infringing conduct.

19. Plaintiff is informed and believes and thereon alleges that by reason of Defendants' acts of copyright infringement as alleged above, Plaintiff has suffered and will continue to suffer substantial damage to its business in the form of diversion of trade, loss of income and profits, and dilution and destruction of the value of its rights, all in amounts which are not yet fully ascertainable but which are estimated to be not less than one hundred fifty thousand dollars (\$150,000).

20. Due to Defendants' acts of infringement, Plaintiff has also suffered general and special damages including, without limitation, damages resulting

1 from Plaintiff having had to investigate and analyze Defendants' infringing
2 conduct, and hiring attorneys, all in an amount to be established at trial.

3 21. Moreover, as a direct result of the acts of copyright infringement
4 alleged above by the named defendants and defendants as yet unidentified,
5 defendants, and each of them, have obtained direct and indirect profits they would
6 not otherwise have realized but for their infringement of Plaintiff's copyrighted
7 the Subject Design. Plaintiff is entitled to disgorgement of each of defendant's
8 profits directly and indirectly attributable to said defendants' infringement of the
9 Subject Design.

10 22. Plaintiff is informed and believes and thereon alleges that Defendants
11 and each of them knowingly and intentionally copied the Subject Designs, making
12 their conduct wilful and intentional and malicious, subjecting defendants and each
13 of them, to liability therefor, including statutory damages under Section 504(c)(2)
14 of the Copyright Act in the sum of one hundred fifty thousand (\$150,000) per
15 infringement. Within the time permitted by law, Plaintiff will make its election
16 between actual damages and statutory damages.

17 23. Plaintiff is informed and believes and thereon alleges that Defendants
18 continue to infringe the copyright in the Subject Design.

19
20 **SECOND CAUSE OF ACTION**

21 **CONTRIBUTORY COPYRIGHT INFRINGEMENT**

22 **(Against All Defendants)**

23 24. Plaintiff refers to and incorporates by reference paragraphs 1 to 22
24 inclusive, of this Complaint as though fully set forth herein.

1 25. Plaintiff is informed and believes and thereon alleges that Defendants
2 knowingly induced, participated, and aided and abetted in, and profited from, the
3 copying and/or subsequent selling of garments and/or fabrics featuring the Subject
4 Design, as alleged herein above. A true and correct copy of the garment infringing
5 the Subject Design is attached hereto as Exhibit B.

6 26. By reason of Defendants' acts of contributory copyright infringement
7 as alleged above, Plaintiff has suffered and will continue to suffer substantial
8 damage to its business in the form of diversion of trade, loss of income and profits,
9 and dilution and destruction of the value of its rights, all in amounts to be
10 established at trial.

11 27. Due to Defendants' acts of contributory infringement, Plaintiff has
12 also suffered general and special damages including, without limitation, damages
13 resulting from Plaintiff having had to investigate and analyze Defendants'
14 infringing conduct, and hiring attorneys, all in an amount to be established at trial.

15 28. Moreover, as a direct result of the acts of contributory copyright
16 infringement alleged above by the named defendants and defendants as yet
17 unidentified, defendants, and each of them, have obtained direct and indirect
18 profits they would not otherwise have realized but for their infringement of
19 Plaintiff's copyrighted the Subject Design. Plaintiff is entitled to disgorgement of
20 each of defendant's profits directly and indirectly attributable to said defendants'
21 infringement of the Subject Design. Because of the massive scope and extent of
22 the infringement of the Subject Design by named defendants and defendants as yet
23 unidentified, the amount of defendants' profits cannot be presently ascertained or
24 estimated.

25 29. Plaintiff is informed and believes and thereon alleges that Defendants
26 and each of them knowingly and intentionally copied the Subject Design, making
27

1 their conduct wilful and intentional and malicious, subjecting defendants and each
2 of them, to liability therefor, including statutory damages under Section 504(c)(2)
3 of the Copyright Act in the sum of one hundred fifty thousand (\$150,000) per
4 infringement. Within the time permitted by law, Plaintiff will make its election
5 between actual damages and statutory damages.

6
7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiff prays:

9 1. That Defendants, and each of them, and their respective agents and
10 servants be enjoined from infringing Plaintiff's copyright in any manner;

11 2. That Plaintiff be awarded all profits of Defendants, and each of them,
12 plus all losses of Plaintiff, the exact sum to be proven at trial, or, if elected before
13 final judgment, statutory damages as available under the Copyright Act;

14 3. That Plaintiff be awarded its attorneys' fees as available under the
15 Copyright Act;

16 4. That Defendants be compelled to account to Plaintiff for their profits
17 and any damages sustained by Plaintiff arising from the foregoing acts of
18 infringement;

19 5. That Plaintiff be awarded pre-judgment interest as allowed by law;

20 6. For costs of suit incurred herein; and,

21 7. For any such other and further relief as this court may deem just and
22 proper.

23 DATED: October 12, 2015 KOHAN LAW FIRM

24 By: /s/ K. Tom Kohan _____
25 K. TOM KOHAN
26 Attorney for Plaintiff
27 RADIX TEXTILE, INC.

DEMAND FOR JURY TRIAL

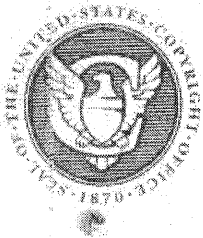
Plaintiff hereby requests trial by jury on all claims asserted, as provided by Rule 38 of the Federal Rules of Civil Procedure.

DATED: October 12, 2015 KOHAN LAW FIRM

By: */s/ K. Tom Kohan*
K. TOM KOHAN
Attorney for Plaintiff
RADIX TEXTILE, INC.

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Maria A. Pallante

Acting Register of Copyrights, United States of America

Registration Number
Vau 1-051-884

Effective date of
registration:
December 16, 2010

Title

Title of Work: FLOWER BUBBLES, et al.
Contents Titles: RX-AB209D - rose sketch
RX-CC027 - flower bubbles
RX-EM019 - egyptian
RX-LP099 - polka leaves
RX-LP358 - chained sunflower
RX-LW201D - smeared
RX-LW216 - static
RX-LP308 - PEBBLES
RX-NH960 - DRY LEAVES

Completion/Publication

Year of Completion: 2010

Author

Author: THE PATRICIA BRANDT CO.

Author Created: 2-D artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant

Copyright Claimant: RADIX TEXTILE INC

819 Towne Ave, Los Angeles, CA, 90021, United States

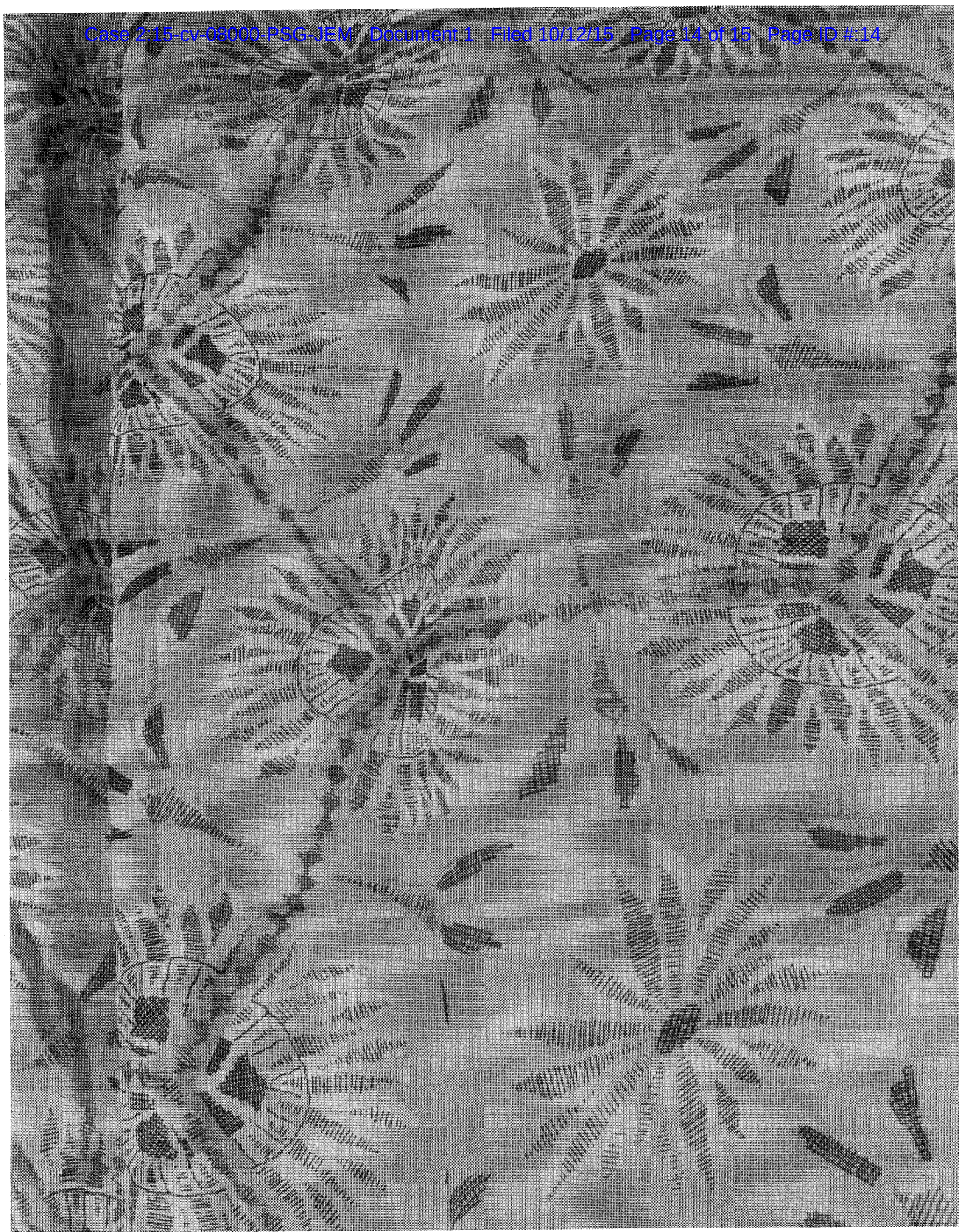
Transfer Statement: By written agreement

Rights and Permissions



EXHIBIT B





FASHION UNION

EUR 44 US L UK 16

Made in
China

